THE HON'BLE SRI JUSTICE C.V. RAMULU

Wednesday, 28th day of March,2007

W.P.No.9295 of 1998

Between:-

Khandavili Radha Krishna Murthy
and others … Petitioners

and

State of A.P., rep. by its
Secretary, Revenue Department,
Secretariat Buildings, Hyderabad
and others … Respondents

THE HON'BLE SRI JUSTICE C.V. RAMULU

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ORDER:

This Writ Petition is filed by Archakas of Sri Seetharamanjaneya Swamy Temple, Tanuku, West Godavari District seeking a Mandamus declaring the action of the respondents in not allowing the petitioners to enjoy their customary rights, which is their only source of livelihood as arbitrary, illegal and violative of Articles 19 and 21 of the Constitution of India and consequently to direct the respondents to permit the Archakas to enjoy their customary right of plate collection, coconut halves and share in Pooja tickets in accordance with the directions of the Supreme Court.

The only grievance of the petitioners is that they are being restrained by the respondents from enjoying their customary right of plate collection, coconut halves and share in pooja tickets and other 'rusums' of the respondent-Temple. According to them, they are working as Archakas in Sri Sita Ramanjaneya Swami Temple, Hanumantharaopeta, Tanuku, West Godavari District. They have inherited the Archakatvam service in the above Temple after the death of their father late Narayanacharyulu in the year 1982. They are rendering the service in the Temple with utmost devotion and dedication. There is no specific remuneration to the Archakas except the customary rights in the temple at any point of time, since the temple came into existence in the year 1885. The Archakas have been allowed to enjoy the customary rights like plate collection, coconut

halves, share in pooja tickets and other 'rusums' towards their remuneration and it was recognized as the source of their livelihood from times immemorial. While that being so, in the year 1987, the State of Andhra Pradesh has made a legislation in this regard regulating all the administration o Hindu Temples under the new Act 'Andhra Pradesh Charitable and Hindu Religions Institutions and Endowments Act,1987'. All the customary and hereditary rights of Archakas are abolished under various provisions of the Act. Archakas in the State of Andhra Pradesh have filed various Writ Petitions before the Supreme Court questioning the validity of Sections 34 and 144 of the Act. The Apex Court, by a Judgment dated 19-3-1996, upheld the provisions under Sections 34, 37, 39 and 144 of the Act and directed the Government of Andhra Pradesh to constitute a committee consisting of Joint Secretary to Government, Revenue Department, Deputy Secretary, Finace Department and Joint Commissioner, Endowments Department to go into the question of fixing the pay scales of all the Archakas in different temples and the modality for payment of salary to them. It was directed that after the approval of the Rules by the State Government, the respondents should place the same before the Court for further approval. The Government made certain recommendations for fixation of scales of pay or consolidated pay etc. The recommendations were approved by the Supreme Court. While that being so, the 4th respondent issued a notice dated 20-3-1998 restraining the petitioners from enjoying their customary right of plate collection, coconut halves and share in the pooja tickets etc., and warned that he would initiate disciplinary proceedings against them, if they violate the notice. Therefore, this Writ Petition.

A detailed counter affidavit has been filed by the 4th respondent denying the allegations made by the petitioner. It is asserted that the

committee, which has gone into the matter as per the directions of the Supreme Court, recommended that the temple whose annual income is less than Rs.5.00 lakhs only may be allowed to manage by the respective managements of the temples etc., and to be supervised by the Department as is being done now; so that the Management of the respective temples may be allowed to pay such remuneration to the Archakas, depending upon the income of the respective temples as per the prevailing circumstances. But, this recommendation has been accepted by the Government with a rider that the temples with such abnormal low income may be left to spent for themselves. Thus, the recommendations of the committee are accepted to the above extent. Under Section 154 of the Act, by notification, the Government can exempt any charitable institution of the Endowments' administration for the time being. Though the temple in question was classified under Section 6(c) the assailable income of the temple for the last three years is more than Rs.75,000/-. In view of the increase in the income for three consecutive years, the temple has to be reclassified as 6(b) temple. The temple will not come within the ceiling fixed by the Supreme Court as temples whose income is below Rs.50,000/- must be allowed to be managed on their own. The salaries of the Archakas have been fixed and, therefore, the Trust Board issued the impugned notice dated 20-3-1998 stopping the plate collections and other customary rights. Petitioners without receiving the remuneration, made incorrect statement that no salary has been fixed for them with an intention to deprive the institutions of its legitimate income, which is being received by them. The Assistant Commissioner in his annual budget allocated Rs.6,000/- per annum towards the salary of the Archakas and Rs.3,600/- towards per annum Paditaram. As per sanctioned budget by the Assistant Commissioner dated 31-3-1998,

Rs.500/- per month was fixed as the salary of Archakas. Only the 1st petitioner is working as Archaka and the other two petitioners are not functioning as Archakas.

From the above, it is clear that the budget is being allocated for every year and the salary of the petitioners is fixed as per the said budget. Under those circumstances, the impugned notice restraining the petitioners from collecting plate collections and abolishing other customary rights cannot be said to be either arbitrary or illegal. The Writ Petition is devoid of merits and is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No order as to costs.

28-3-2007

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